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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,786	11/18/2003	Steve JungHyun Hong	MV03-004	4565
7590		07/02/2007		
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			EXAMINER	
			ROCHE, TRENTON J	
			ART UNIT	PAPER NUMBER
			2193	
			MAIL DATE	DELIVERY MODE
			07/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,786

Applicant(s)

HONG ET AL.

Examiner

Trenton J. Roche

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is responsive to communications filed 18 November 2003.
2. Claims 1-20 are currently pending and have been examined.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 9-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. The invention as disclosed in claims 9-20 is directed to non-statutory subject matter. The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed. Cir. 1998).

6. Claims 9-13 are directed to a system comprising an application locator software program and a user interface. No physical aspects of the system are disclosed however, and as such, the recited software program and user interface, and thus the "system," amount to nothing more than software or a computer program listing per se, in that none of the elements recited are computer components or statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and hardware elements of a computer which permit the computer program's functionality to be realized, and as such are considered functional descriptive material not capable of execution and thus are not capable of producing a useful, concrete and tangible result as required by the State Street

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Formulation. It is recommended that the claims be amended to show interactions between the hardware components of the system (processor, hard drive, etc.) and the software program and user interface (being executed/stored/etc. by the hardware).

7. Claims 14-20 are directed to a computer-readable medium bearing computer readable instructions. A computer readable medium having computer-executable modules would normally be considered statutory unless the specification defines computer readable medium as including intangible media such as signals, carrier waves, transmissions, optical waves, transmission media or other media incapable of being touched or perceived absent the tangible medium through which they are conveyed. The specification on pages 9, while not disclosing the exact term "computer-readable medium," describes processor readable medium as including any medium that can transmit information such as carrier waves over transmission mediums. As such, the specification effectively defines computer readable medium to include intangible media such as wireless signals and transmissions, and as such, is considered non-statutory matter. It is recommended that the claim be rewritten to recite "A computer-readable medium **storing** computer-executable modules..." thus emphasizing that the modules are stored on a tangible medium rather than an intangible medium such as wireless signals. Furthermore, Applicant is requested to specific the definition of "computer-readable medium" if this terminology is to be maintained in the claim language, as there is description of the bounds of the term currently. For purposes of examination, however, it is interpreted as "processor readable" or "machine readable."

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by “Best Practices for Managing Applications with Process Control” by Microsoft TechNet (“Microsoft”).

Per claims 1, 9 and 14:

Microsoft discloses:

- searching a storage area on a multiprocessor for at least one predetermined installed software application (“allows experienced administrators to control allocation of resources on an application and services basis” in Introduction, page 1. The admin searches for the application to control.)
- determining a set of executable processes that are related to the software application; grouping the installed software application the set of executable processes into an application group (“Group processes into process groups.” on page 2. As the claim does not define an application group beyond having processes and an application, the process group is interpreted to be an application group.)
- managing an affinity mask for the application group (“Assign processor affinity to processes and process groups.” on page 2.)

substantially as claimed.

Per claims 2, 4, 6, 11, 15, 17 and 19, Microsoft further discloses searching for registry entries as claimed (“loads the Process Control database from the registry...” on page 3. Further, note Appendix C: Registry Data.)

Per claims 3 and 16, Microsoft further discloses determining if the application directory contains an executable application for inclusion in the application group as claimed (“Determine if the process is to be managed by Process Control...” on page 3)

Per claims 5, 7, 8, 10, 12, 13, 18 and 20, Microsoft discloses searching the registry and searching for predetermined installed software applications. (Note the rejection regarding claims 1 and 2. While does not explicitly disclose the specifics of the various directory names and preinstalled software applications which are searched for, the claims do not recite how these specific directories or applications are necessarily used or why they are necessarily any different than any other directories or applications, the claims are interpreted to be design choices on the part of the Applicant and as such do not carry patentable weight.)

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trenton J. Roche whose telephone number is (571) 272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Trenton J Roche
Examiner
Art Unit 2193

TJR


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